

This is the proposed ordinance that will be considered by the Leon County Commission .
If adopted, it will place the ballot questions (see below) on the November 2004 ballot.

Leon County

Board of County Commissioners

ORDINANCE 04-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE LEON COUNTY CHARTER, PERTAINING TO CAMPAIGN FINANCE REFORM, CLEAN ELECTIONS CAMPAIGN FINANCE CONTRIBUTION LIMITS FOR COUNTY OFFICES, AND NON-PARTISAN ELECTIONS FOR CONSTITUTIONAL OFFICES; DEFINING ELIGIBILITY FOR CONTRIBUTORS TO LEON COUNTY ELECTION CAMPAIGNS, PROVIDING FOR THE CREATION OF AN INDEPENDENT, NON-PARTISAN CLEAN ELECTIONS BOARD, PROVIDING ELIGIBILITY REQUIREMENTS FOR VOLUNTARY CLEAN MONEY CAMPAIGN FUNDING FOR CANDIDATES, PROVIDING FOR A REFERENDUM ON THE QUESTIONS OF ADOPTION OF THE AMENDMENTS TO THE COUNTY CHARTER; PROVIDING EFFECTIVE DATES OF CHARTER AMENDMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR BROADEST INTERPRETATION IN CONSTRUCTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Leon County established a charter form of government pursuant to the provisions of Chapter 125, Part IV, Florida Statutes, effective November 12, 2002; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 2002-17 to approve the Charter on September 10, 2002 and the Charter was approved by all voters voting in the special election held as part of the general election on November 5, 2002; and

WHEREAS, the Charter provides that the amendments to the Charter may be proposed by an ordinance adopted by the Board of County Commissioners by an affirmative vote of a majority plus one of the membership of the Board of County Commissioners; and

WHEREAS, the U.S. Supreme Court has ruled that the governmental interest in restricting monetary contributions to candidates is substantial, because even the appearance of corruption that arises from public awareness of the possibilities for abuse erodes confidence in the democratic system; and

WHEREAS, the U.S. Supreme Court has ruled that a limitation on the amount of money a person may give to a candidate or campaign organization involves little direct restraint on political communication, for it permits the symbolic expression of support evidenced by a contribution, but does not in any way infringe upon the contributor's freedom to discuss candidates and issues; and

WHEREAS, campaign contributions by non-human entities and non-county residents create the appearance of corruption in government while diminishing the influence of the real persons who elect and are governed by elected officials in Leon County, Florida; and

WHEREAS, partisan elections for constitutional offices may create the appearance of partisanship in the administration of politically neutral constitutional offices; and

WHEREAS, the majority of the Board of County Commissioners support campaign reforms which promote participation and reinforce the values of democracy and citizenship.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1. Authorization and Legislative Findings. This Ordinance is authorized by Chapter 125, Part IV, Florida Statutes, and Section 1.1 of Article I, and Sections 2.1 and 2.2 (4) of Article II of the Leon County Charter, and other applicable law. The Board of County Commissioners finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

SECTION 2. Amendments to the Leon County Home Rule Charter. The amendments to the Leon County Charter pertaining to Campaign Finance Regulation set forth in Exhibit A, attached hereto and incorporated herein, are proposed for adoption in accordance with Subsection (3) of Section 5.2 of the Leon County Charter.

SECTION 3. Referendum.

a. The proposed amendments to the Leon County Charter in Section 2 of this ordinance shall be presented to the County electorate by placing the following questions on the ballot at the general election to be held on November 2, 2004.

2. The Supervisor of Elections of Leon County shall cause the following questions to be placed on the ballot on November 2, 2004:

CAMPAIGN CONTRIBUTIONS LIMITED

SHALL THE LEON COUNTY CHARTER BE AMENDED TO PROHIBIT CANDIDATES FOR COUNTY COMMISSIONER AND CONSTITUTIONAL OFFICES FROM ACCEPTING CONTRIBUTIONS IN EXCESS OF \$200.00?

YES

NO

**CAMPAIGN CONTRIBUTIONS LIMITED TO REAL PERSONS
RESIDING IN LEON COUNTY, FLORIDA**

SHALL THE LEON COUNTY CHARTER BE AMENDED TO PROHIBIT CANDIDATES FOR COUNTY COMMISSIONER AND CONSTITUTIONAL OFFICES FROM ACCEPTING CAMPAIGN CONTRIBUTIONS FROM CORPORATIONS OR FROM ANY PERSON NOT ELIGIBLE TO VOTE IN LEON COUNTY, WITH THE EXCEPTION OF THE CANDIDATE'S IMMEDIATE FAMILY?

YES

NO

CLEAN ELECTIONS CAMPAIGN FINANCING

SHALL THE LEON COUNTY CHARTER BE AMENDED TO PROVIDE VOLUNTARY CAMPAIGN SPENDING LIMITS AND MATCHING FUNDS TO ANY CANDIDATE FOR COUNTY COMMISSIONER OR CONSTITUTIONAL OFFICER WHO COMPLIES WITH VOLUNTARY "CLEAN MONEY" RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS?

YES

NO

NON-PARTISAN ELECTIONS FOR CONSTITUTIONAL OFFICES

SHALL ELECTIONS FOR CLERK OF COURT, PROPERTY APPRAISER, SHERIFF AND TAX COLLECTOR BE NON-PARTISAN?

YES

NO

SECTION 4. Effective Date of Charter Amendments.

a. The amendments to the Leon County Charter adopted as set forth in Exhibit "A" shall be effective on January 1, 2005, only if approved by a majority of the electors voting for each amendment in the general election to be held on November 2, 2004.

b. If a majority of the electors vote yes to approve the ballot question titled "Campaign Contribution Limitations", Subsections 2.2 (7)(A), (B), and (C) of the amendment set forth in Exhibit "A" shall be effective on January 1, 2005.

c. If a majority of the electors vote yes to approve the ballot question titled "Campaign Contributions Limited to Real Persons Residing in Leon County, Florida," Subsections 2.2 (7)(D), (E) and (F) of the amendment set forth in Exhibit "A" shall be effective on January 1, 2005.

d. If a majority of the electors vote yes on the ballot question titled "Clean Elections Public Campaign Financing," Subsections 2.2 (8) of the amendment set forth in Exhibit "A" shall be effective on January 1, 2005.

e. If a majority of the electors vote yes on the ballot question titled "Non-Partisan Elections for Constitutional Offices," Subsection 3.2 of the amendment set forth in Exhibit "A" shall be effective on January 1, 2005.

SECTION 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Leon County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Leon County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the County Administrator or designee without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.

SECTION 6. Severability. It is the declared intent of the Board of County Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance

is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

SECTION 7. Broadest Possible Construction and Interpretation. This ordinance shall be broadly construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Leon County, Florida.

SECTION 8. Enforcement and Penalties. Violations of this ordinance may be enforced pursuant to Section 125.69, Florida Statutes, or by any other means available to the County, including injunctive relief. Violations are punishable by fine (not to exceed \$500.00 per offense), imprisonment (not to exceed 60 days per offense) or both.

SECTION 9 . Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and this ordinance shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session by a majority plus one vote of the membership of the Board of County Commissioners this ____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
OF LEON COUNTY, FLORIDA

ATTEST: Jane G. Sauls , Chairman

Robert Inzer, Clerk of Court

APPROVED AS TO FORM:

Herb Thiele, County Attorney

Exhibit A

Section 2.2, Legislative Branch, of ARTICLE II, ORGANIZATION OF COUNTY GOVERNMENT, of the Leon County Home Rule Charter is amended by the creation of Subsection (7) to read:

(7) Campaign Finance Regulation.

(A) Leon County shall have the power to adopt by charter amendment restrictions more stringent than those imposed by general law upon the financing of campaigns conducted by candidates for elective county offices identified in Article II and Article III of this home rule charter. These additional restrictions may apply to all aspects of campaign financing, including solicitations, contributions, expenditures, recordkeeping, reporting requirements, and noncriminal penalties for violation. Charter amendments adopted pursuant to the authority granted in this section shall not be preempted by general law unless the general law expressly supersedes all special acts authorizing county charter home rule power for campaign financing.

(B) Candidates for County Commission, Supervisor of Elections, Clerk of Court, Property Appraiser, Sheriff, and Tax Collector, as identified in Article II, Section 2.2 (1) and Article III, Section 3.1 of this Home Rule Charter, shall adhere to the rules set forth in this section for financing campaigns.

(C) Candidates for County Commission, Supervisor of Elections, Clerk of Court, Property Appraiser, Sheriff, and Tax Collector, as identified in Article II, Section 2.2 (1) and Article III, Section 3.1 of this Home Rule Charter, shall adhere to the following donation limits on campaign contributions:

(1) Candidates shall not accept campaign contributions made in an amount exceeding \$200.00 per election.

(2) This section shall also apply to initiative campaigns for County Charter amendments as established by section 5.2(1).

(D) No candidate for County Commission, Supervisor of Elections, Clerk of Courts, Property Appraiser, Sheriff or Tax Collector, shall accept a campaign contribution from any nonhuman entity, including any corporation incorporated under the laws of the State of Florida or any other state or any foreign country. Any person who violates this section shall be guilty of a misdemeanor as defined by Florida Statutes, Section 775.081(2).

(E) No candidate for County Commission, Supervisor of Elections, Clerk of Court, Property Appraiser, Sheriff or Tax Collector, shall accept a campaign contribution from any person who is not eligible to vote in Leon County, Florida. Any person who violates this section shall be guilty of a misdemeanor as defined by Florida Statutes, Section 775.081(2).

(F) No provision of this section shall be interpreted to prohibit campaign contributions of up to \$200 as defined in this section from immediate family members of the candidate who are United States citizens and eligible to vote in the jurisdiction in which they reside.

Section 2.2, Legislative Branch, of ARTICLE II, ORGANIZATION OF COUNTY GOVERNMENT, of the Leon County Home Rule Charter is amended by the creation of Subsection (8) to read:

(8) Clean Elections Public Campaign Financing

(1) It is the policy of Leon County to provide for voluntary candidate spending limits and commensurate Clean Money campaign financing to protect democratic elections for non-partisan offices as defined in this Home Rule Charter, to allow all qualified candidates to compete effectively and to insure the integrity of public elections. In order to encourage citizen confidence and participation in the political process, to minimize the influence of special-interest money, to promote freedom of speech in facilitating communications by candidates with the electorate, and to free candidates from the rigors of excessive political fundraising.

(2) Voluntary spending limits shall be established for each office by a Leon County Clean Elections Board from among volunteer Leon County citizens which shall:

(A) Calculate reasonable spending limits at approximately 70% of the average amount spent by each candidate in the respective levels of elected office during the previous two election cycles, adjusted for inflation and population (based on the census);

(B) Determine eligibility of participating candidates who qualify before the close of the Clean Money qualifying period;

(C) Allocate reasonable Clean Money funds to participating candidates who qualify in contested races, including matching funds to participating candidates whose opponent(s) exceed the respective spending limits, or for any independent expenditures made in opposition to the candidate or on behalf of opponents' candidacies, or for approximate matching funds for any expenditures by independent entities as Electioneering Communications as defined in Subsection 4) e. of this section. In a first

election race, the matching money would be divided equally among the participating candidates, to balance viability with fiscal prudence.

(3) Candidates for non-partisan offices defined in this home rule Charter may elect to participate in the Clean Elections Campaign Financing system by filing a declaration with the Supervisor of Elections that he or she has complied and will continue to comply through the entire election cycle with the requirements of these provisions and any ordinances enacted to implement this section. A candidate qualifies as a participating candidate if the candidate:

(A) Collects at least the requisite number of signatures and qualifying contributions of \$5 from adult citizens who reside within the territorial jurisdiction of the office. Qualifying contributions must be made in cash or by check or money order; must be accompanied by a receipt fully identifying the contributor, which includes a signed statement indicating that he or she fully understands the purpose of the contribution and that the contribution is made without coercion or reimbursement; and must be collected by the candidates themselves or by volunteers who receive no compensation:

1. For the office of County Commissioner At-Large, 1500 qualifying contributions.

2. For the office of Supervisor of Elections, Clerk of Court, Property Appraiser, Sheriff and Tax Collector, 1500 qualifying contributions.

3. For the office of District Commissioner, a number of qualifying contributions corresponding to the percentage of total population shall be calculated by district and determined by the Clean Elections Board.

(B) Accepts only Seed Money Contributions, other than qualifying contributions, during the period prior to the qualifying deadline for participation in the Clean Money process. Seed Money contributions may not exceed of \$100 from any one person, except that a participating candidate may contribute up to \$500 to his or her own campaign; the

aggregate amount of Seed Money Contributions for the 2006 election cycle from all sources may not exceed:

1. For the office of County Commissioner At-Large, \$10,000.
2. For the office of Supervisor of Elections, Clerk of Court, Property Appraiser, Sheriff and Tax Collector, \$10,000.
3. For the office of District County Commissioner, \$ 5,000.

(C) Spends no more than the Clean Elections Spending Limits for each election period as established pursuant to this Section and adjusted for subsequent elections.

(4) Seed Money may be spent only during the clean money qualifying period, and may not be spent during the election campaign periods. Within 48 hours after the close of the clean-money qualifying period, each participating candidate must fully disclose all seed-money contributions and expenditures to the Supervisor of Elections and remit to the Clean Elections Board for deposit in the Clean Money Trust Fund any seed money that exceeds the aggregate seed-money limit or remains unspent by the end of the qualifying period. The Clean Elections Board may adjust the maximum amount candidates may receive during the Seed Money period in subsequent elections based on inflation.

(5) A Clean Elections Trust Fund shall be established by the County, to be independently administered by an independent, non-partisan Clean Elections Board, with the support of the Supervisor of Elections Office, to allocate funds to participating candidates in furtherance of the purposes of this Section. The Board of County Commissioners shall provide supplemental funding for this provision, and shall implement the Clean Elections Campaign Financing system by the 2006 election cycle. Any unspent dollars by participating candidates must return to the Clean Money fund, as well as penalties and interest from this Subsection; any person or entity may voluntarily contribute to the Clean Money fund. Any candidates who withdraw or are removed for cause by the Supervisor of Elections from participation must return any funds received plus interest at a rate of 12 per cent per annum, and may not spend additional private funds until they have repaid the Clean Money fund. A Clean Money candidate found to accept private money in violation

of this Charter will be removed from Clean Money participation and subject to a civil penalty of up to \$10,000, which will be deposited into the Clean Money Fund.

(6) Candidates qualifying for the Clean Elections process shall receive funds equally within each race, in amounts sufficient to compete adequately with other candidates to avoid disproportionate advantage to a single, privately-funded candidate.

(A) Clean Money Funds shall be allocated equally among the participating candidates in the first election, on the date on which the Clean Elections Board certifies the one or more candidates which qualified in each particular race.

(B) Approximately the same aggregate amount of Clean Money funds from the first election shall be distributed to any participating candidate(s) successfully qualifying for the second, run-off election, which shall be disbursed within 48 hours after certification of the applicable first election results.

(C) Participating candidates may also receive media, mailing or other in-kind privileges to be determined by the Clean Elections Board.

(D) Participating candidates shall receive additional Clean Elections funds to match any expenditure amount spent by non-participating candidates in excess of the Clean Elections spending limit, and any independent expenditures made in opposition to the candidate or on behalf of opponents' candidacies;

(E) Participating candidates shall also receive additional Clean Elections funds to approximately match any expenditure amount spent by independent parties as Electioneering Communications, defined as advertisements in opposition to the candidate or on behalf of opponents' candidacies which identifies the candidate(s) and are broadcast or mailed during the sixty-day period prior to each election, targeted at an approximate 1,000 voters or more within the jurisdiction;

(F) The maximum aggregate amount of additional funding a participating candidate may receive to match opposition spending under d. and e. above is 300 per cent

of the full amount of Clean-Money funding allocated to the candidate for the particular election period.

(G) Clean Money funding may be used only for that candidate's campaign-related expenses during a particular election campaign period for which the funding was allocated, and may not be used in violation of the law or to repay any personal, family, or business loans, expenditures, or debts.

(7) Disclosure of excess spending by nonparticipating candidates. If a non-participating candidate's total expenditures for any election period exceed the amount of Clean-Money funding allocated to his or her Clean Money opponent for that period, he or she shall disclose to the Clean Elections Board within 48 hours each excess expenditure amount that, in the aggregate, is more than \$1,000.

(8) In-kind contributions shall not be counted against the spending limit but may not exceed in aggregate an amount equal to 5% of the base Clean Money fund allocation for the affected election.

(9) The Clean Elections Board shall be appointed in January of each odd numbered year, and shall consist of :

(A) one appointment by the Supervisor of Elections

(B) one appointment by the Clerk of Courts

(C) one appointment by the Property Appraiser

(E) one appointment by the Sheriff

(F) one appointment by the Tax Collector

(G) four appointments by the Board of County Commissioners.

(10) Each member of the Clean Elections Board shall be a resident and eligible to vote in Leon County, Florida.

**Section 3.2, Legislative Branch, of ARTICLE III, ELECTED COUNTY
CONSTITUTIONAL OFFICERS** of the Leon County Home Rule Charter is amended
to read:

Sec. 3.2 Non-Partisan Offices.

The Supervisor of Elections, Clerk of the Court, Sheriff, Property Appraiser, and Tax
Collector shall be non-partisan.